

## REMARKS

The claims remaining in the present application are Claims 1-57. The Examiner is thanked for performing a thorough search. Claims 1-57 stand rejected. Claims 1, 21, 30, 35, and 48 have been amended. No new matter has been added.

## CLAIM REJECTIONS

### 35 U.S.C. §102(e)

Claims 1-10, 12-16, 18-21, 24-25, 27-28, 30-31, 34-35, 37-48 and 50-57

In paragraph 6, the Office Action rejected Claims 1-10, 12-16, 18-21, 24-25, 27-28, 30-31, 34-35, 37-48 and 50-57 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,549,916 by Sedlar et al. (referred to hereinafter as "Sedlar"). Applicants have reviewed Sedlar and respectfully submit that the claimed embodiments are not anticipated by Sedlar for at least the following rationale.

According to MPEP 2131, "to anticipate a claim, the reference must teach every element of the claim." Further, as cited in MPEP 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Additionally, according to MPEP 2131, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicants respectfully submit that the amended claims overcome the rejections under 35 U.S.C. §102, as the amended claims are neither taught nor suggested by Sedlar. Specifically, Applicants submit that Sedlar does not teach "prioritizing said at least a portion of said communications within said hierarchical structure, wherein an initial thread of said plurality of communications is assigned a higher priority than a response to a thread of said plurality of communications" and "presenting to at least a one of said plurality of users at least a portion of said plurality of communications based on said prioritization" (emphasis added), elements of Claim 1. Also, Applicants submit that Sedlar does not teach, "an initial

priority-based content placement module for determining a priority assignment for an initial communication of said plurality of communications” and “a response priority-based content placement module for determining a priority assignment for a response communication of said plurality of communications, wherein said priority assignment for a response communication is lower than said priority assignment for an initial communication” (emphasis added), elements of Claim 21. Furthermore, Applicants submit that Sedlar does not teach, prioritizing an order of said portion of said information, “wherein an initial thread of said information is assigned a higher priority than a response to a thread of said information” and “presenting said portion of said information that is ordered to said user for review, wherein said presentation is based on said prioritization” (emphasis added), elements of Claims 35 and 48.

Applicants submit that Sedlar teaches a file system with hierarchical indexing, but does not teach, describe or suggest the embodiments of the claimed invention.

As Applicants submit that Sedlar does not teach each and every element of the independents Claims 1, 21, 35, and 48, Applicants respectfully submit that Claims 1, 21, 35, and 48 overcome the 35 U.S.C. §102(e) rejection as being anticipated by Sedlar. As such, Claims 1, 21, 35, and 48 are allowable as they overcome the rejection under 35 U.S.C. § 102(e).

The dependent Claims 2-10, 12-16, 18-20, 24-25, 27-28, 30-31, 34-34, 37, 48 and 50-57 which depend on the independent Claims 1, 21, 35, and 48 should also overcome the rejection under 102(e) rejection for similar reasons as their respective independent claims. Therefore, Applicants respectfully submit that Claims 2-10, 12-16, 18-20, 24-25, 27-28, 30-31, 34-34, 37, 48 and 50-57 are allowable as pending from allowable base Claims.

35 U.S.C. §103(a)  
Claims 11, 36 and 49

In paragraph 7, the Office Action rejected Claims 11, 36 and 49 under 35 U.S.C. §103(a) as being unpatentable over Sedlar and further in view of U.S. Patent No. 6,466,932 B1 by Dennis et al. (referred to hereinafter as “Dennis”). Claims 11, 36 and 49 are dependent on independent Claims 1, 35 and 48, respectively, and include the recitations of independent Claims 1, 35 and 48. Hence, by

demonstrating that Sedlar and Dennis do not show or suggest the limitations of Claims 1, 35 and 48, it is also demonstrated that Sedlar and Dennis do not show or suggest the embodiments of Claims 11, 36 and 49.

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141(II)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)). Applicants note that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141(III)).

As described above, Sedlar does not teach, describe the embodiments of the claimed invention. Furthermore, Applicants respectfully submit that Dennis does not overcome the shortcomings of Sedlar. Applicants understand Dennis to describe an implementation of group policy whereby policy settings for a policy recipient may be accumulated into a specific order by inheriting policy from higher container, which may enforce their policy settings over those of lower containers. In particular, Applicants respectfully submit that Dennis does not teach, describe or suggest “prioritizing said at least a portion of said communications within said hierarchical structure, wherein an initial thread of said plurality of communications is assigned a higher priority than a response to a thread of said plurality of communications” and “presenting to at least a one of said plurality of users at least a portion of said plurality of communications based on said prioritization”, elements of Claim 1. Also, Applicants submit that Dennis does not teach, prioritizing an order of said portion of said information, “wherein an initial thread of said information is assigned a higher priority than a response to a thread of said information” and “presenting said portion of said information that is ordered to said user for review, wherein said presentation is based on said prioritization”, elements of Claims 35 and 48.

As Sedlar and Dennis do not teach each and every claim limitation of the Claims 1, 35, and 48 (as discussed above), and as Office personnel have not explained why difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art, and as Claims 11, 36, and 49 are dependent, respectively, on these claims, Applicants respectfully submit that Claims 11, 36 and 49 overcome the 35 U.S.C. §103(a) rejection. As such, Applicants respectfully submit that Claims 11, 36, and 49 are allowable as pending from allowable base Claims and reciting additional features.

35 U.S.C. §103(a)  
Claims 17 and 29

In paragraph 8, the Office Action rejected Claims 17 and 29 under 35 U.S.C. §103(a) as being unpatentable over Sedlar and further in view of U.S. Patent No. 6,081,832 A by Gilchrist et al. (referred to hereinafter as "Gilchrist"). Claims 17 and 29 are dependent on independent Claims 1 and 21, respectively, and include the recitations of independent Claims 1 and 21. Hence, by demonstrating that Sedlar and Gilchrist do not show or suggest the limitations of Claims 1 and 21, it is also demonstrated that Sedlar and Gilchrist do not show or suggest the embodiments of Claims 17 and 29.

As described above, Sedlar does not teach, describe or suggest the embodiments of the claimed invention. Furthermore, Applicants respectfully submit that Gilchrist does not overcome the shortcomings of Sedlar. Applicants understand Gilchrist to describe a framework for defining an e-mail message as a number of distinct object, each of which contains information that describes some portion of the message. Also, Applicants understand Gilchrist to describe an e-mail message may have embodied threads of control whereby objects may have a variety of concurrency characteristics. In particular, Applicants respectfully submit that Gilchrist does not teach, describe or suggest "prioritizing said at least a portion of said communications within said hierarchical structure, wherein an initial thread of said plurality of communications is assigned a higher priority than a response to a thread of said plurality of communications" and "presenting to at least a one of said plurality of users at least a portion of said plurality of communications based on said prioritization," elements of Claim 1. Also, Applicants submit that Gilchrist does not

teach, “an initial priority-based content placement module for determining a priority assignment for an initial communication of said plurality of communications” and “a response priority-based content placement module for determining a priority assignment for a response communication of said plurality of communications, wherein said priority assignment for a response communication is lower than said priority assignment for an initial communication,” elements of Claim 21.

As Sedlar and Gilchrist do not teach each and every claim limitation of the Claims 1 and 21 (as discussed above), and as Office personnel have not explained why difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art, and as Claims 17 and 29 are dependent, respectively, on Claims 1 and 21, Applicants respectfully submit that Claims 17 and 29 overcome the 35 U.S.C. §103(a) rejection. As such, Applicants respectfully submit that Claims 17 and 29 are allowable as pending from allowable base Claims and reciting additional features.

35 U.S.C. §103(a)  
Claims 22-23, 26 and 32-33

In paragraph 9, the Office Action rejected Claims 22-23, 26 and 32-33 under 35 U.S.C. §103(a) as being unpatentable over Sedlar and further in view of U.S. Patent No. 6,718,535 B1 by Underwood (referred to hereinafter as “Underwood”). Claims 22-23, 26 and 32-33 are dependent on independent Claim 21, and include the recitations of independent Claim 21. Hence, by demonstrating that Sedlar and Underwood do not show or suggest the limitations of Claim 21, it is also demonstrated that Sedlar and Underwood do not show or suggest the embodiments of Claims 22-23, 26 and 32-33.

As described above, Sedlar does not teach, describe or suggest the embodiments of the claimed invention. Furthermore, Applicants respectfully submit that Underwood does not overcome the shortcomings of Sedlar. Applicants understand Underwood to describe a system and method for providing an activity framework. In particular, Applicants respectfully submit that Underwood does not teach, describe or suggest “an initial priority-based content placement module for determining a priority assignment for an initial communication of said plurality of

communications” and “a response priority-based content placement module for determining a priority assignment for a response communication of said plurality of communications, wherein said priority assignment for a response communication is lower than said priority assignment for an initial communication,” elements of Claim 21.

As Sedlar and Underwood do not teach each and every claim limitation of the Claim 21 (as discussed above), and as Office personnel have not explained why difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art, and as Claims 22-23, 26 and 32-33 are dependent on Claim 21, Applicants respectfully submit that Claims 22-23, 26 and 32-33 overcome the 35 U.S.C. §103(a) rejection. As such, Applicants respectfully submit that Claims 22-23, 26 and 32-33 are allowable as pending from an allowable base Claim and reciting additional features.


## CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-57 overcome the rejections of record, and therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Dated: 1/16, 2008

Respectfully submitted,  
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